

WHAT IS NEW FOR 2004 HAWAII SURPLUS LINES TAX FILING?

We have mailed out preprinted Form 104s for the 2004 Surplus Lines Broker's Annual Statement ("Tax Return"). Hopefully, this will clear up any confusion as to who should file Form 104.

- 1) **Who must file a 2004 Surplus Lines Tax Return?**
ALL licensees who had or currently hold a Surplus Lines Broker's license during the calendar year 2004 are required to file a Surplus lines Tax Return pursuant to the Hawaii Revised Statutes ("HRS") §431:8-313 ("Surplus Lines Broker's Annual Statement") and §431:8-315 ("Tax on Surplus Lines").
- 2) **If you had a zero tax, do you still need to file a 2004 Surplus Lines Tax Return?**
Yes, you are required to file a 2004 Surplus Lines Tax Return pursuant to HRS §431:8-313.
- 3) **When is the 2004 Surplus Lines Tax Return due?**
The Surplus Lines Tax Return and Surplus Lines tax are due on or before March 15, 2005 for the calendar year 2004 filing.
- 4) **Is there any penalty for late filing?**
Yes, the 2004 Surplus Lines Tax Return and Surplus Lines Tax are due on or before March 15, 2005. If the Surplus Lines Tax Return or Surplus Lines Tax are submitted after March 15th, there will be a penalty of \$ 25.00 per day pursuant to HRS §431:8-316 ("Penalty for failure to file statement or remit tax".)
- 5) **Does the designated representative for a Surplus Lines Business Entity need to file a Surplus Lines Tax Return?**
Due to the HRS change, the designated representative (Natural person) who represent the Surplus Lines Business Entity is required to be licensed as a Hawaii Surplus Lines Broker under a separate license. Therefore, he or she is required to file a **separate 2004 Surplus Lines Tax Return since they have a different license number.**
- 6) **Form 104 attachments**

Please note that, for your convenience, these forms will soon be available on our website in PDF and Excel format under:

www.hawaii.gov/dcca/areas/ins

Click on "Other insurance"

Click on "Surplus Lines Tax"

Please do not email the Form 104 attachments to us as we do not have the capacity to hold all this data. You may enclose a CD/Diskette, containing your attachment data, when sending in the completed Form 104 to our office. Nonfillable, printable PDF attachment forms will be available. We will also provide attachment forms in Excel format to copy or download into your Excel file.